

REMARKS/ARGUMENTS

Reconsideration of this application is requested. Claims 1-13, all directed to elected subject matter, are the only claims remaining in the application.

Restriction was required in the Official Action of February 17, 2010 and confirmed (again) in the current Official Action. The non-elected claims have been canceled without disclaimer or prejudice to a divisional application or applications directed to the subject matter of these claims.

The current Official Action includes an objection as to double patenting as well as another objection based upon alleged anticipation. Both objections refer to an unidentified published US application. Counsel refers to discussions with Examiner Azpuru on July 26, 2010 as reported in the Interview Summary of July 30, 2010 in which the Examiner indicated to consider both objections “invalid since no corresponding document can be provided at this time”.

With the non-elected claims canceled and there being no apparent relevant prior art, a Notice of Allowance is awaited.

Substance of Interview Statement Under MPEP §713.04

The Interview Summary included with the examiner’s communication of July 30, 2010 is an accurate summary of our discussions on July 26, 2010 as will be apparent from the above comments.

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 14-1140.

SAFFIE ET AL.
Appl. No. 10/576,448
August 3, 2010

Respectfully submitted,

NIXON & VANDERHYE P.C.

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